

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHAWN EGGSWARE,

Plaintiff,

v.

1:22-CV-0868
(GTS/DJS)

GOOGLE; INSTAGRAM; STEFANIE JOANNE
ANGELINA GERMANOTTA; CHRISTOPHER
MAURICE BROWN; KANYE OMARI WEST;
WILLARD CARROL SMITH, JR.; ELLA-MARIJA
LANI YELICH-O-CONNOR; THOMAS JEFFREY
HANKS; STEPHEN TYRONE COLBERT; KALEY
CUOCO; ERIC MARLON BISHOP; MATTHEW
DAVID McCONAUGHEY; CARLY RAE JEPSEN;
JERRY ANGELO BROOKS; and LARRY DAVID,

Defendants.

APPEARANCES:

SHAWN EGGSWARE
Plaintiff, *Pro Se*
66 2nd Street
Waterford, NY 12188

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Shawn Eggware (“Plaintiff”) against the fifteen above-captioned entities and individuals (“Defendants”), is United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed for failure to state a claim with prior leave to amend. (Dkt. No. 6.) Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully

reviewing the relevant papers herein, including Magistrate Judge Stewart’s thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart’s Report-Recommendation (Dkt. No. 6) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

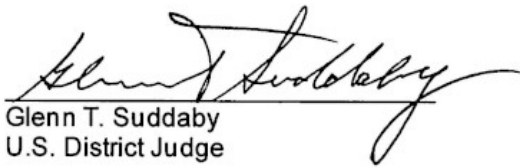
ORDERED that Plaintiff’s Complaint (Dkt. No. 1) **shall be DISMISSED with prejudice** and without further Order of this Court **UNLESS, within THIRTY (30) DAYS** from the date of this Decision and Order, Plaintiff files an **AMENDED COMPLAINT** correcting the pleading defects identified in the Report-Recommendation; and it is further

ORDERED that any Amended Complaint filed by Plaintiff must be a complete pleading that supercedes and replaces his original Complaint in all respects; and it is further

ORDERED that, should Plaintiff file an Amended Complaint within the above-referenced thirty (30) day time period, the Amended Complaint shall be referred to Magistrate Judge Stewart for further review pursuant to 28 U.S.C. § 1915.

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).

Dated: October 11, 2022
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge